

FILED
ORIGINAL

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

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FILED

JUL 20 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

Case No. OP 10-0345

M.B.J. and J.P.J.,

Petitioners,

v.

THE DISTRICT COURT OF THE
FOURTH JUDICIAL DISTRICT,
DEPARTMENT 2, THE HONORABLE
ROBERT L. DESCHAMPS III,

Respondent.

NOTICE OF CONSTITUTIONAL QUESTION

To: Office of the Attorney General,
Clerk of the Supreme Court, and
Hon. Robert L. Deschamps III, District Judge

Please take notice that the Respondent has determined that the 1997
Montana Adoption Act is unconstitutional in Missoula County District Court

Cause No. DA-09-10. Specifically, the District Court decided that the requirement to register with the Putative Father Registry to preserve the father's right to notice of proceedings terminating parental rights does not provide adequate due process where a father does not have any other connection with the birth mother or child which would otherwise require that notice be given. Mont. Code Ann. § 42-1-108.

The Petitioners' Petition for Writ of Supervisory Control seeks the Supreme Court's determination that the District Court's ruling is in error, that the District Court's orders requiring personal service be vacated, and for other relief.

Dated July 19, 2010.

P. Mars Scott Law Office

By: 
Kerry N. Newcomer
Attorneys for Petitioners

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CERTIFICATE OF SERVICE

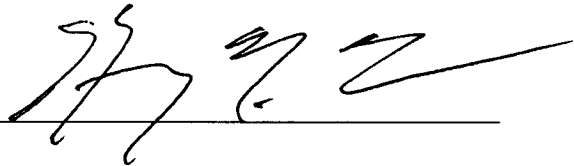
I hereby certify that a true copy of the foregoing document was served upon the person(s) or parties entitled thereto, by the method(s) and at the address(es) indicated below:

Hon. Robert L. Deschamps III,
District Judge, Department 2
Missoula County Courthouse
200 West Broadway
Missoula, MT 59802

Hand Delivery

Office of the Attorney General
P.O. Box 201401
Helena, MT 59620-1401
U.S. Mail

DATED July 19, 2010.

A handwritten signature in black ink, appearing to be "J. J. Z.", is written over a horizontal line.